



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV**

California Energy Commission

**DOCKETED
01-AFC-7C**

TN # 69519

FEB. 13 2013

***PETITION TO AMEND THE
RUSSELL CITY ENERGY CENTER PROJECT***

Docket No. 01-AFC-7C

CHAIR'S ORDER DENYING PETITION TO INTERVENE

Upon consideration of the Petition to Intervene filed by Petitioner, Hayward Area Recreation and Park District (HARD), the undersigned Chair of the California Energy Commission makes the following findings:

1. On January 23, 2013, a Petition to Intervene was filed in the above-captioned proceeding by:

**Hayward Area Recreation and Park District
John Gouveia, General Manager
1099 'E' Street
Hayward, CA 94541
E-mail: gouj@haywardrec.org
Telephone: (510) 881-6710**

2. The Petition was timely filed and contained the information required by Section 1207 of the Commission's regulations (Cal. Code Regs., tit. 20, § 1207);
3. No person has filed an opposition to said Petition; and
4. Petitioner's interests are relevant to the above-captioned proceeding.
5. The amendment petition at issue was filed on November 8, 2012 (Docket TN # 68475). On November 19, 2012, Staff issued a Notice of Receipt (TN # 68559), inviting written comments on the petition. HARD submitted written comments dated December 28, 2012 (TN # 68991).
6. As of the date of this Order, no committee has been appointed nor am I aware of any request that a committee be appointed to conduct proceedings on the amendment petition. In the absence of a committee, it is within my powers as Energy Commission Chair to decide petitions such as this. (Cal. Code Regs., tit. 20, § 1203.)

7. Energy Commission staff has not yet published its analysis and recommendations regarding the amendment petition. Following its publication, Staff will present the amendment to the full Energy Commission at a noticed Commission Business Meeting. (Cal. Code Regs., tit. 20, § 1769.) Prior to and during that Business Meeting, Petitioner may again present its comments and any information it believes is relevant to the Energy Commission's decision on the amendment petition.
8. Petitioner's interests are protected by its participation in the amendment process described above. Granting Intervenor status in this proceeding is not reasonable or relevant at this time. The current process does not warrant it, since discovery, formal testimony regarding evidence, or the cross-examination of witnesses is not anticipated. Rather the process allows any interested person to comment and provide information both to the Staff during its analysis and formulation of a recommendation and to the full Energy Commission during its consideration of the amendment.

THEREFORE, I ORDER that the Petition to Intervene be **DENIED** without prejudice. I encourage Petitioner to present its comments and information during the amendment review process described above. Given that the Petition is being denied without prejudice, should circumstances change—for example if a committee is appointed to conduct evidentiary proceedings—HARD may re-file its Petition to Intervene at that time.

This order is final for all purposes, including appeal to the full Energy Commission, on the date below.

Dated: February 13, 2013 at Sacramento, California.

Original Signed By:

ROBERT B. WEISENMILLER
Chair
California Energy Commission



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Docket No. 01-AFC-7C

**PROOF OF SERVICE
(EST. 2/13/13)**

SERVICE LIST:

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Park District
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COMMISSION DOCKET UNIT

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**OTHER ENERGY COMMISSION
PARTICIPANTS (LISTED FOR
CONVENIENCE ONLY):**

*After docketing, the Docket
Unit will provide a copy to the
persons listed below. Do not
send copies of documents to
these persons unless
specifically directed to do so.*

[No Committee has been
assigned to conduct proceedings
regarding the Petition to Amend

Paul Kramer
Hearing Adviser

DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on February 13, 2013, I served and filed copies of the attached CHAIR'S ORDER DENYING PETITION TO INTERVENE, dated February 13, 2013. This document is accompanied by this Proof of Service.

The document has been sent to the other persons on the Service List above in the following manner:

(Check one)

For service to all other parties and filing with the Docket Unit at the Energy Commission:

 X I e-mailed the document to all e-mail addresses on the Service List above and personally delivered it or deposited it in the US mail with first class postage to those persons noted above as "hard copy required";
OR

 Instead of e-mailing the document, I personally delivered it or deposited it in the US mail with first class postage to all of the persons on the Service List for whom a mailing address is given.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.

Dated: February 13, 2013

Original Signed By: _____

RoseMary Avalos
Hearing Office